

2011 DRAFTING REQUEST

Bill

Received: **02/04/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-1037**

By/Representing: **hanle**

May Contact:

Drafter: **tkuczens**

Subject: **Education - MPS**

Addl. Drafters:

Extra Copies: **pg**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

DOA:.....Hanle, BB0309 -

Topic:

MPCP - pupil eligibility

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	tkuczens 02/09/2011 tkuczens 02/14/2011	kfollett 02/10/2011 jdye 02/14/2011	rschluet 02/10/2011	_____ _____ _____	sbasford 02/10/2011		S&L
/P2	tkuczens 02/14/2011	kfollett 02/14/2011	rschluet 02/14/2011	_____ _____	sbasford 02/14/2011		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	tkuczens 02/15/2011	kfollett 02/15/2011	phenry 02/15/2011	_____	lparisi 02/15/2011		S&L
/P4	tkuczens 02/18/2011	kfollett 02/18/2011	phenry 02/15/2011	_____	mbarman 02/15/2011		S&L
/P5	tkuczens 03/01/2011	csicilia 03/01/2011	jfrantze 02/21/2011	_____	mbarman 02/21/2011		S&L
/P6			rschluet 03/01/2011	_____	lparisi 03/01/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 02/04/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Administration-Budget 266-1037

By/Representing: hanle

May Contact:

Drafter: tkuczens

Subject: Education - MPS

Addl. Drafters:

Extra Copies: pg

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

DOA:.....Hanle, BB0309 -

Topic:



MPCP - pupil eligibility

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	tkuczens 02/09/2011 tkuczens 02/14/2011	kfollett 02/10/2011 jdye 02/14/2011	rschluet 02/10/2011	_____ _____ _____	sbasford 02/10/2011		S&L
/P2	tkuczens 02/14/2011	kfollett 02/14/2011	rschluet 02/14/2011	_____ _____	sbasford 02/14/2011		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	tkuczens 02/15/2011	kfollett 02/15/2011	phenry 02/15/2011	_____	lparisi 02/15/2011		S&L
/P4	tkuczens 02/18/2011	kfollett 02/18/2011	phenry 02/15/2011	_____	mbarman 02/15/2011		S&L
/P5			jfrantze 02/21/2011	_____	mbarman 02/21/2011		

FE Sent For:

/p6 cjs 3/11

<END>

2011 DRAFTING REQUEST

Bill

Received: **02/04/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-1037**

By/Representing: **hanle**

May Contact:

Drafter: **tkuczens**

Subject: **Education - MPS**

Addl. Drafters:

Extra Copies: **pg**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

DOA:.....Hanle, BB0309 -


Topic:

MPCP - pupil eligibility

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	tkuczens 02/09/2011 tkuczens 02/14/2011	kfollett 02/10/2011 jdye 02/14/2011	rschluet 02/10/2011	_____ _____ _____	sbasford 02/10/2011		S&L
/P2	tkuczens 02/14/2011	kfollett 02/14/2011	rschluet 02/14/2011	_____ 	sbasford 02/14/2011		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P3	tkuczens 02/15/2011	kfollett 02/15/2011	phenry 02/15/2011	_____	lparisi 02/15/2011		S&L
/P4			phenry 02/15/2011	_____	mbarman 02/15/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 02/04/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Administration-Budget 266-1037

By/Representing: hanle

May Contact:

Drafter: tkuczens

Subject: Education - MPS

Addl. Drafters:

Extra Copies: pg

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

DOA:.....Hanle, BB0309 -

Topic:

MPCP - pupil eligibility

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	tkuczens 02/09/2011 tkuczens 02/14/2011	kfollett 02/10/2011 jdye 02/14/2011	rschluet 02/10/2011	_____ _____ _____	sbasford 02/10/2011		S&L
/P2	tkuczens 02/14/2011	kfollett 02/14/2011 1P4/kf 2/15	rschluet 02/14/2011 7/15 ph	_____ _____ ph/jrf	sbasford 02/14/2011		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/P3

phenry	_____
02/15/2011	_____

lparisi
02/15/2011

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 02/04/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Administration-Budget 266-1037

By/Representing: hanle

May Contact:

Drafter: tkuczens

Subject: Education - MPS

Addl. Drafters:

Extra Copies: pg

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

DOA:.....Hanle, BB0309 -


Topic:

MPCP - pupil eligibility

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	tkuczens 02/09/2011 tkuczens 02/14/2011	kfollett 02/10/2011 jdye 02/14/2011	rschluet 02/10/2011	_____ _____ _____	sbasford 02/10/2011		S&L
/P2		18315f 2/14	rschluet 02/14/2011	_____ 	sbasford 02/14/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 02/04/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Administration-Budget 266-1037

By/Representing: hanle

May Contact:

Drafter: tkuczens

Subject: Education - MPS

Addl. Drafters:

Extra Copies: pg

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

DOA:.....Hanle, BB0309 -

Topic:

MPCP - pupil eligibility

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?		P2 2/14 jld		_____			S&L
/P1	tkuczens 02/09/2011	kfollett 02/10/2011	rschluet 02/10/2011	_____	sbasford 02/10/2011		

FE Sent For:

2/14/11
<END>

2011 DRAFTING REQUEST

Bill

Received: **02/04/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget 266-1037**

By/Representing: **hanle**

May Contact:

Drafter: **tkuczens**

Subject: **Education - MPS**

Addl. Drafters:

Extra Copies: **pg**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

DOA:.....hanle, BB0309 -


Topic:

MPCP - pupil eligibility

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens	1P/15f 2/10/11		==			

FE Sent For:

<END>

Kuczenski, Tracy

From: Hanaman, Cathlene
Sent: Friday, February 04, 2011 8:31 AM
To: Grant, Peter; Kuczenski, Tracy
Subject: FW: Statutory Language Drafting Request

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV
 [mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]
Sent: Thursday, February 03, 2011 8:36 PM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Hanle, Bob - DOA; Hanle, Bob - DOA
Subject: Statutory Language Drafting Request

Topic: School choice eligibility

Tracking Code: BB0309

SBO Team: ECF

SBO Analyst: Hanle, Bob - DOA
 Phone: (608) 266-1037
 E-mail: Bob.Hanle@Wisconsin.gov

Agency Acronym: DPI

Agency Number: 255

Priority: High

Intent:

The intent of this request is to phase in a repeal of the income requirements for the Milwaukee Parental Choice Program.

age permitted under s. 120.12
(25)
for kindergarten or 1st grade
admission
age required under s. 118.14
for kindergarten or 1st grade
admission

• Amend choice eligibility language to raise the maximum family income requirement under which choice pupils may attend a choice school to 325% of the federal poverty level poverty level. To be eligible for the higher maximum, the pupil must have, in the 2011-12 school year, either not/attended school (directed at students entering kindergarten), not attended a choice school as a non-choice pupil in 2011-12 (intent: to not allow students who were private pay at a Choice school in 2011-12 to get a state subsidy), attended any public school (intent: to allow students who attended an MPS school or a public school in another district or state to participate beginning on the effective date). Students with incomes above 220% of the poverty level, who attended a school participating in the choice program in the 2010-11 school year would not be eligible for the new maximum level.

Not eligible to attend

• Pupils with family incomes above 325%, who meet the other eligibility conditions described above, would also be eligible for the same state payment as pupils below 325%. However, the

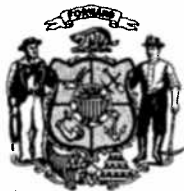
2/7/2011

choice school could charge those students an additional amount above the state payment, as determined by the school.

- ✓ • Eligibility determinations would be made by the individual private school. Applicants would be required to meet the family income requirements at the time of initial application. If the pupil meets income eligibility at the time of initial application, the pupil would be eligible in all future years. *don't really need to add lang*
- ✓ • If more applications are received than available spaces, a participating choice school must select students randomly, though preference can be given to siblings of existing students. In other words, a school in the choice program may not give preference to students with incomes above 325% of poverty. (It is therefore possible, that for newly admitted students, a choice school could admit a group that contains only students who may not be charged additional tuition above the state payment).
- ✓ • The choice school would be required to cite the amount of the state subsidy in the letter of acceptance to each eligible student.

*Spent as determined
(if known)*

Attachments: False



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-13452-PI

TKK:...

RMRUN

Fix
request
sheet
please

DOA:.....hanle, BB0309 - MPCP - pupil eligibility

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

2/9/11

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under the Milwaukee Parental Choice Program (MPCP), a pupil who resides in the city of Milwaukee (city) may attend a participating private school in the city if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 175 percent of the poverty level. The state pays the participating private school the private school's educational cost per pupil or the amount paid per pupil under the program in the previous school year increased by the percentage change from the previous school year to the current school year in the amount of general state school aid appropriated, whichever is less.

This bill eliminates the family income requirement for a pupil that wishes to attend a private school participating in the MPCP beginning in the 2012-13 school year. Under the bill, a pupil that resides in the city may attend a private school at state expense if the pupil satisfies one of the following requirements: 1) the pupil did not enroll in school in the 2011-12 school year because the pupil was not old enough to attend kindergarten; 2) the pupil did not attend a private school participating in the MPCP in the 2011-12 school year; or 3) the pupil attended a public school in the 2011-12 school year. Also under the bill, a participating private school may charge tuition and fees to pupils admitted under the MPCP over and above the payment the private school receives for the pupil from the state. However, a private school may

not receive any additional payment for a pupil admitted under the MPCP who is a member of a family that has a total family income that does not exceed 325 percent of the poverty level.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 119.23 (2) (a) 1. of the statutes is amended to read:

2 119.23 (2) (a) 1. The Except as provided in subd. 2., the pupil is a member of
3 a family that has a total family income that does not exceed an amount equal to 1.75
4 times the poverty level determined in accordance with criteria established by the
5 director of the federal office of management and budget. A pupil attending a private
6 school under this section whose family income increases may continue to attend a
7 private school under this section if the pupil is a member of a family that has a total
8 family income that does not exceed an amount equal to 2.2 times the poverty level
9 determined in accordance with criteria established by the director of the federal
10 office of management and budget. For purposes of admission to a private school
11 under this section, siblings of pupils attending a private school under this section are
12 subject to the higher income limit. If a pupil attending a private school under this
13 section ceases to attend a private school under this section, the lower income limit
14 applies unless the pupil is a sibling of a pupil attending a private school under this
15 section.

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96.

16 **SECTION 2.** 119.23 (2) (a) 2. of the statutes is created to read:

17 119.23 (2) (a) 2. Beginning in the 2012-13 school year, the pupil satisfies one
18 of the following requirements:

1 a. The pupil did not enroll in school in the 2011-12 school year because the pupil
2 had not attained the age permitted under s. 120.12 (25) for kindergarten admission
3 or the age required under s. 118.14 for kindergarten admission.

4 b. The pupil did not enroll in or attend a school participating in the program
5 under this section in the 2011-12 school year.

6 c. The pupil enrolled in and attended a public school in the 2011-12 school year.

7 **SECTION 3.** 119.23 (3) (a) of the statutes is amended to read:

8 119.23 (3) (a) The pupil or the pupil's parent or guardian shall submit an
9 application, on a form provided by the state superintendent, to the participating
10 private school that the pupil wishes to attend. Within 60 days after receiving the
11 application, the private school shall notify the applicant, in writing, whether the
12 application has been accepted. If the private school rejects an application, the notice
13 shall include the reason. The private school shall indicate in its letter of acceptance
14 the amount of the payment the parent or guardian of the pupil will receive under sub.
15 (4) and, if applicable, sub. (4m). A private school may reject an applicant only if it
16 has reached its maximum general capacity or seating capacity. The state
17 superintendent shall ensure that the private school determines which pupils to
18 accept on a random basis, except that the private school may give preference in
19 accepting applications to siblings of pupils accepted on a random basis.

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96.

20 **SECTION 4.** 119.23 (3m) of the statutes is created to read:

21 119.23 (3m) (a) Except as provided in par. (b), for a pupil who applies to attend
22 a private school participating in the program under this section, under sub. (2) (a) 2.,
23 the private school may, in addition to the payment it receives for the pupil under sub.

(4) and, if applicable, sub. (4m), charge the pupil tuition and fees in an amount determined by the school.

(b) The private school may not charge or receive any additional payment for a pupil who applies to attend the private school under sub. (2) (a) 2. if the pupil is a member of a family that has a total family income that does not exceed an amount equal to 3.25 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

(END)

Kuczenski, Tracy

From: Hanle, Bob - DOA [bob.hanle@wisconsin.gov]

Sent: Saturday, February 12, 2011 8:32 PM

To: Kuczenski, Tracy

Subject: RE: LRB-1345/P1

When the program began in 1990, there was language to prohibit students who were already attending a choice school before it became a choice being eligible for the program. The language read "In the previous school year the pupil was enrolled in the school district operating under this chapter, was attending a private school under this section (*meaning that they were already receiving the voucher*), or was not enrolled in school." The last phrase is where I got the idea of truncating the sentence.

In case you are wondering, I do not believe the intent of the initiative in this budget is that the student must have been attending an MPS school in 2010-11, as it was in 1990, so the existing draft is fine on that score.

Regarding the "or private", I think you are right. Lines 4-5 take care of it. In fact, as I read it, I'm not sure line 6 is necessary. Actually, lines 1-3 might be superfluous as well. The only real requirements are that the student live in Milwaukee (That requirement is still in there, right? If not, it needs to be.) and that the student have not attended a choice school in 2010-11. I think you make a similar point regarding your suggested language "Beginning in the 2011-12 school year..." Since all new students in a choice school will be eligible for the program in 2011-12 (except non-Milwaukee residents), I can't envision a situation where a student would be a new, non-choice student in 2011-12. I don't think we need to be concerned about it.

If you want to restructure the draft to incorporate a more streamlined approach, it's OK with me. Thanks.

Bob Hanle, Team Leader
State Budget Office
101 E. Wilson St. -- 10th Floor
P.O. Box 7864
Madison, WI 53707-7864
(608) 266-1037

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]

Sent: Saturday, February 12, 2011 6:55 PM

To: Hanle, Bob - DOA

Subject: RE: LRB-1345/P1

Hi Bob -

On your first point (allowing a pupil who attended a private school in 2010-11), I think the draft allows that. See p. 3 lines 4-5; there is nothing that prohibits a pupil who attends any private school other than an MPCP private school from enrolling in a MPCP school. But I could add to p. 3 line 6 the words "or private". What do you prefer? I think it may also be good to amend p. 3 line 4 to delete "or attend" and substitute "under subd. 1." What do you think?

I also think you are right that a pupil is home schooled would not be allowed to enroll; would there be any scenarios under which a pupil who didn't enroll in school at all should not be allowed to participate? If not, then I don't foresee any problem with deleting the material after "2010-11 school year."

It seems that really the **only** pupils who won't be allowed to enroll under subd. 2. in the 2011-12 school year are pupils that enrolled in a participating MPCP school but not as an MPCP pupil. Is that right? If so, then maybe that's all the draft should say: "Beginning in the 2011-12 school year, the pupil did not enroll under subd. 1. in a school participating in the program in the 2010-11 school year."???

What happens to pupils who enrolled in a participating MPCP school in 2011-12 school year, but NOT as an MPCP

2/14/2011

pupil, in the 2012-13 school year? Can they be an MPCP pupil in the 2012-13 school year?

I also wonder whether 119.23 (2) (a) 2. c. should be amended to say "in this state or any other state"?

Sorry, this may create more confusion than necessary...

Tracy

-----Original Message-----

From: Hanle, Bob - DOA [<mailto:bob.hanle@wisconsin.gov>]

Sent: Sat 2/12/2011 1:38 PM

To: Kuczynski, Tracy

Subject: LRB-1345/P1

The draft should allow a student who attended a private school that was not a choice school in 2010-11 (either an MPS non-choice private school, or a private school in another school district). I also think the bill would not allow a home-schooled student to be a choice student in 2012-13. Can the latter issue be addressed by simply amending 119.23(2)(a)2.a. to delete everything after "The pupil did not enroll in school in the 2010-11 (see below for the date issue) school year."

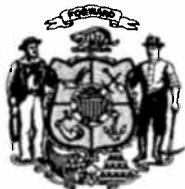
Lastly, I erred with the effective dates. The income cap should be lifted in 2011-12, meaning that all the 2011-12 references should be 2010-11 and all the 2012-13 references should be 2011-12. Sorry for creating more work. Thanks.

Bob Hanle, Team Leader
State Budget Office
101 E. Wilson St. -- 10th Floor
P.O. Box 7864
Madison, WI 53707-7864
(608) 266-1037

T. conf. w/ Bob 2/14/11

Everyone who is in a choice school ~~current~~ law applies
and continues to apply for the duration of schooling.
, and attending a choice school as a private par,
if income 250% (now) in 2010-11, can't qualify now under program and
won't qualify under subd. 2. in 2011-12.
and any year after

In 2012-13, keep referring back to what the pupil's status was in
2010-11.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1345/P1

TKK:kjfrs

insert

RMNR

DOA:.....Hanle, BB0309 - MPCP - pupil eligibility

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

2/14/11

X
1

Don't gen

AN ACT ...; relating to: the budget.

NO
A pupil attending a private school under the MPCP whose family income increases may continue to attend the private school under the MPCP but only if the family income does not exceed 220 percent of the poverty level.

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under the Milwaukee Parental Choice Program (MPCP), a pupil who resides in the city of Milwaukee (city) may attend a participating private school in the city if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 175 percent of the poverty level. The state pays the participating private school the private school's educational cost per pupil or the amount paid per pupil under the program in the previous school year increased by the percentage change from the previous school year to the current school year in the amount of general state school aid appropriated, whichever is less.

This bill eliminates the family income requirement for a pupil that wishes to attend a private school participating in the MPCP beginning in the 2012-13 school year. Under the bill, a pupil that resides in the city may attend a private school at state expense if the pupil satisfies one of the following requirements: 1) the pupil did not enroll in school in the 2011-12 school year because the pupil was not old enough to attend kindergarten; 2) the pupil did not attend a private school participating in the MPCP in the 2011-12 school year; or 3) the pupil attended a public school in the 2011-12 school year. Also under the bill, a participating private school may charge tuition and fees to pupils admitted under the MPCP over and above the payment the private school receives for the pupil from the state. However, a private school may

or 4)

if the pupil attended a private school other than a private school participating in the MPCP in the 2010-11 school year

not receive any additional payment for a pupil admitted under the MPCP who is a member of a family that has a total family income that does not exceed 325 percent of the poverty level.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 119.23 (2) (a) 1. of the statutes is amended to read:

2 119.23 (2) (a) 1. ~~The~~ Except as provided in subd. 2., the pupil is a member of
3 a family that has a total family income that does not exceed an amount equal to 1.75
4 times the poverty level determined in accordance with criteria established by the
5 director of the federal office of management and budget. A pupil attending a private
6 school under this section whose family income increases may continue to attend a
7 private school under this section if the pupil is a member of a family that has a total
8 family income that does not exceed an amount equal to 2.2 times the poverty level
9 determined in accordance with criteria established by the director of the federal
10 office of management and budget. For purposes of admission to a private school
11 under this section, siblings of pupils attending a private school under this section are
12 subject to the higher income limit. If a pupil attending a private school under this
13 section ceases to attend a private school under this section, the lower income limit
14 applies unless the pupil is a sibling of a pupil attending a private school under this
15 section.

16 **SECTION 2.** 119.23 (2) (a) 2. of the statutes is created to read:

17 119.23 (2) (a) 2. Beginning in the [✓]~~2012-13~~²⁰¹¹⁻¹² school year, the pupil satisfies one
18 of the following requirements:

2010-11
① a. The pupil did not enroll in school in the 2011-12 school year because the pupil
② had not attained the age permitted under s. 120.12 (25) for kindergarten admission
③ or the age required under s. 118.14 for kindergarten admission.

④ b. The pupil did not enroll in or attend a school participating in the program
⑤ under this section in the 2011-12 school year. ✓
e 2010-11

⑥ c. The pupil enrolled in and attended a public school in the 2011-12 school year. ✓
e 2010-11

7 **SECTION 3.** 119.23 (3) (a) of the statutes is amended to read:

8 119.23 (3) (a) The pupil or the pupil's parent or guardian shall submit an
9 application, on a form provided by the state superintendent, to the participating
10 private school that the pupil wishes to attend. Within 60 days after receiving the
11 application, the private school shall notify the applicant, in writing, whether the
12 application has been accepted. If the private school rejects an application, the notice
13 shall include the reason. The private school shall indicate in its letter of acceptance
14 the amount of the payment the parent or guardian of the pupil will receive under sub.
15 (4) and, if applicable, sub. (4m). A private school may reject an applicant only if it
16 has reached its maximum general capacity or seating capacity. The state
17 superintendent shall ensure that the private school determines which pupils to
18 accept on a random basis, except that the private school may give preference in
19 accepting applications to siblings of pupils accepted on a random basis.

20 **SECTION 4.** 119.23 (3m) of the statutes is created to read:

21 119.23 (3m) (a) Except as provided in par. (b), for a pupil who applies to attend
22 a private school participating in the program under this section under sub. (2) (a) 2.,
23 the private school may, in addition to the payment it receives for the pupil under sub.
24 (4) and, if applicable, sub. (4m), charge the pupil tuition and fees in an amount
25 determined by the school.

Insert 3-7

(b) The private school may not charge or receive any additional payment for a pupil who applies to attend the private school under sub. (2) (a) 2. if the pupil is a member of a family that has a total family income that does not exceed an amount equal to 3.25 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

(END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1345/P1ins
TKK:kjf:rs

1 **Insert 3-7**

2 d. The pupil enrolled in and attended a private school other than a private
3 school participating in the program under this section[✓] in the 2010-11[✓] school year.

Kuczenski, Tracy

From: Kuczenski, Tracy
Sent: Monday, February 14, 2011 4:12 PM
To: Hanle, Bob - DOA
Subject: RE: LRB 1345/P2

Oops, regarding item 2., I meant to type "create a new s. 119.23 (3m) (c) that prohibits a MPCP school from charging extra tuition to a pupil enrolled under s. 119.23 (2) (a) 1."

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Hanle, Bob - DOA [mailto:bob.hanle@wisconsin.gov]
Sent: Monday, February 14, 2011 4:09 PM
To: Kuczenski, Tracy
Subject: RE: LRB 1345/P2

Regarding #1, I would prefer not to go down the path of trying to figure out what that threshold is, so I would make it "enrolled at any point during the 2010-11 school year." If that's a problem, it can be amended in the Legislature.

Regarding #2, as long as it's clear elsewhere that the school can only charge tuition to pupils w/ family incomes above 325% of the poverty level.

Bob Hanle, Team Leader
State Budget Office
101 E. Wilson St. -- 10th Floor
P.O. Box 7864
Madison, WI 53707-7864
(608) 266-1037

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]
Sent: Monday, February 14, 2011 4:04 PM
To: Hanle, Bob - DOA
Subject: LRB 1345/P2

Hi Bob –

I chatted with Peter about this bill and I have two points for your consideration:

1. We agreed that we think that p. 3, lines 3, 6, 7 and 8 are unnecessary because they are mutually exclusive of the conditions under lines 4 and 5.

That said, do you think it is a requirement of the bill that a pupil who enrolled in an MPCP school ***for any period of time*** in the 2010-11 school year be excluded from participation under the new criteria? That is, what if the pupil enrolled in a MPCP school for 2 days or 2 weeks or 2 months, but then withdrew and either transferred to a public school, or to a non MPCP private school, or to a home school situation? I

2/14/2011

don't think the bill completely addresses this situation. Your thoughts?

2. Because new s. 119.23 (3m) (a) permits a private school to charge extra tuition to certain MPCP pupils, it is no longer the case that a pupil may attend a MPCP school "at no cost" as provided in s. 119.23 (2) (a) (intro.). So, I am going to strike those three words from the intro. and create a new s. 119.23 (3m) (c) that prohibits a MPCP school from charging extra tuition to a pupil enrolled under s. 119.23 (2) (a) 2. Okay?

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1345/P2
TKK:kjf&jld:rs

inert
RMNR

DOA:.....Hanle, BB0309 - MPCP - pupil eligibility

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

2/14/11

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under the Milwaukee Parental Choice Program (MPCP), a pupil who resides in the city of Milwaukee (city) may attend a participating private school in the city if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 175 percent of the poverty level. A pupil attending a private school under the MPCP whose family income increases may continue to attend the private school under the MPCP but only if the family income does not exceed 220 percent of the poverty level. The state pays the participating private school the private school's educational cost per pupil or the amount paid per pupil under the program in the previous school year increased by the percentage change from the previous school year to the current school year in the amount of general state school aid appropriated, whichever is less.

This bill eliminates the family income requirement for a pupil that wishes to attend a private school participating in the MPCP beginning in the 2011-12 school year. Under the bill, a pupil that resides in the city may attend a private school at state expense if the pupil satisfies one of the following requirements: 1) the pupil did not enroll in school in the 2010-11 school year; 2) the pupil did not attend a private school participating in the MPCP in the 2010-11 school year; 3) the pupil attended a public school in the 2010-11 school year; or 4) the pupil attended a private school

other than a private school participating in the MPCP in the 2010-11 school year. Also under the bill, a participating private school may charge tuition and fees to pupils admitted under the MPCP over and above the payment the private school receives for the pupil from the state. However, a private school may not receive any additional payment for a pupil admitted under the MPCP who is a member of a family that has a total family income that does not exceed 325 percent of the poverty level.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 119.23 (2) (a) 1. of the statutes is amended to read:

119.23 (2) (a) 1. The Except as provided in subd. 2., the pupil is a member of a family that has a total family income that does not exceed an amount equal to 1.75 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. A pupil attending a private school under this section whose family income increases may continue to attend a private school under this section if the pupil is a member of a family that has a total family income that does not exceed an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. For purposes of admission to a private school under this section, siblings of pupils attending a private school under this section are subject to the higher income limit. If a pupil attending a private school under this section ceases to attend a private school under this section, the lower income limit applies unless the pupil is a sibling of a pupil attending a private school under this section.

SECTION 2. 119.23 (2) (a) 2. of the statutes is created to read:

1 119.23 (2) (a) 2. Beginning in the 2011-12 school year, the pupil satisfies one

2 of the following requirements:

3 a. The pupil did not enroll in school in the 2010-11 school year.

4 ^{not} b. The pupil did not enroll in or attend a school participating in the program
5 under this section ^{at any time during} in the 2010-11 school year.

6 c. The pupil enrolled in and attended a public school in the 2010-11 school year.

7 d. The pupil enrolled in and attended a private school other than a private
8 school participating in the program under this section in the 2010-11 school year.

9 SECTION 3. 119.23 (3) (a) of the statutes is amended to read:

10 119.23 (3) (a) The pupil or the pupil's parent or guardian shall submit an
11 application, on a form provided by the state superintendent, to the participating
12 private school that the pupil wishes to attend. Within 60 days after receiving the
13 application, the private school shall notify the applicant, in writing, whether the
14 application has been accepted. If the private school rejects an application, the notice
15 shall include the reason. The private school shall indicate in its letter of acceptance
16 the amount of the payment the parent or guardian of the pupil will receive under sub.
17 (4) and, if applicable, sub. (4m). A private school may reject an applicant only if it
18 has reached its maximum general capacity or seating capacity. The state
19 superintendent shall ensure that the private school determines which pupils to
20 accept on a random basis, except that the private school may give preference in
21 accepting applications to siblings of pupils accepted on a random basis.

22 SECTION 4. 119.23 (3m) of the statutes is created to read:

23 119.23 (3m) ^{sub (b) 10} (a) Except as provided in ^{sub (b) 20} par. (b), for a pupil who applies to attend
24 a private school participating in the program under this section under sub. (2) (a) 2,
25 the private school may, in addition to the payment it receives for the pupil under sub.

Insert 3-23

Insert 3-24

1 (4) and, if applicable, sub. (4m), charge the pupil tuition and fees in an amount
2 determined by the school.

3 (b) ²⁰The private school may not charge or receive any additional payment for a
4 pupil who applies to attend the private school under sub. (2) (a) 2. ^{and where application is accepted under ✓}if the pupil is a
5 member of a family that has a total family income that does not exceed an amount ^{sub (3)(c)}
6 equal to 3.25 times the poverty level determined in accordance with criteria
7 established by the director of the federal office of management and budget.

8 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1345/P2ins
TKK:kjf:rs

Insert 2-1

SECTION 1. 119.23 (2) (a) (intro.) of the statutes is amended to read:

119.23 (2) (a) (intro.) Subject to par. (b), any pupil in grades kindergarten to 12 who resides within the city may attend, ~~at no charge,~~ any private school located in the city if all of the following apply:

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96.

Insert 3-23

(a) For a pupil who applies to attend a private school participating in the program under this section under sub. (2) (a) 1., whose application is accepted under sub. (3) (a), and who is a member of a family that has a total family income that does not exceed an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget, the private school may not charge or receive any payment for the pupil other than the payment the school receives under sub. (4) and, if applicable, sub. (4m).

Insert 3-24

and whose application is accepted under sub. (3) (a)